



General Assembly

Distr.: General
12 February 2018

English only

Human Rights Council

Thirty-seventh session

26 February-23 March 2018

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement, which is hereby
circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-02116(E)



* 1 8 0 2 1 1 6 *

Please recycle



INDONESIA: Impunity strengthened while past human rights abuses remain forgotten

The Asian Legal Resource Centre (ALRC) wishes to inform the UN Human Rights Council (UNHRC) of the lack of seriousness of President Joko Widodo's government in resolving past human rights abuses. This is contrary to the Nawa Cita, President Widodo's vision and mission, which clearly states that he will ensure prosecution of past human rights abuses cases, and it also has a breakdown into a National Medium-Term Development Plan (RPJMN 2014-2019), which states that the government will ensure protection of its citizens. The RPJMN also clearly states that human rights cases are one of the government's priorities.

Since the April 2016 national symposium discussing the 1965-1966 massacre, there has been no further effort made by the government to deal with past abuses. At the same time, several retired army generals allegedly involved in past human rights abuses have been appointed as cabinet members by President Widodo. Retired Army General Wiranto for instance, allegedly involved in crimes against humanity in East Timor during the 1999 referendum, and in the Trisakti and Semanggi student shootings of 1998-1999, has been appointed as Coordinator Minister of Politic, Law and Security (Menkopolhukam). Retired Army General Ryamizard Ryacudu, former army chief, has been appointed as Defense Minister. He is allegedly involved in the murder of prominent Papuan activist Mr. Theys Hiyo Elluay. Furthermore, while Army Chief in 2003, Ryacudu led the implementation of martial law by the Indonesian Armed Forces in Aceh Province, which caused various human rights violations.

Retired Army General Hendro Priyono meanwhile, has a very close relationship with President Widodo, having played a strategic role in supporting Widodo during the presidential election. Priyono is alleged to have been involved in the Talangsari massacre as well as the murder of human rights activist Munir Said Thalib.

Since 2003, seven cases of past human rights abuses submitted by the National Commission on Human Rights (Komnas HAM) to the Attorney General (AG) for further investigation, as regulated by Law No 26 of 2000 on Human Rights Court, are sitting in the AG's office with no further investigation undertaken. These seven cases are: 1# Student shootings in Trisakti and Semanggi 1998-1999; 2# Enforced disappearances of student activists 1997-1998; 3# May tragedy 13-15 May 1998; 4# Talangsari massacre 6-7 February 1989; 5# 1965-1966 massacre; 6# Mysterious shooting 1981-1983; 7# Wasior and Wamena Papua 2001-2003.

The ALRC notes that other past abuses have also remained unaddressed: 1# the case of enforced disappearances of Mr. Aris Toteles Masoka, the driver of prominent Papuan activist Mr. Theys Hiyo Elluay, who was killed by Special Armed Forces (Kopassus) in 2001; 2# past human rights abuses occurred in Aceh during the military operation under State of Emergency in 1989 and 1998; and 3# the allegation of gross violation of human rights in Puncak Jaya Papua occurring between 1977-1978.

Before becoming president, Mr. Joko Widodo promised to recruit professionals as his cabinet members. Unfortunately, after his inauguration, President Widodo appointed Mr. HM Prasetyo, a cadre of the National Democratic Party (Nasdem), which supported Mr. Widodo during the 2014 presidential election, to be the head of the Attorney General. Mr. Widodo ignored calls by civil society to avoid selecting persons with political party backgrounds as the head of the AG. It is clear however, that Mr. Prasetyo's political background has contributed to the stagnant investigation of past human rights abuses. Moreover, Mr. Prasetyo has expressed his willingness to resolve these cases through a non judicial reconciliation mechanism, rather than through the human rights court. While this is in fact contrary to President Widodo's own vision and mission to resolve past human rights abuses, the President is taking no action to evaluate or assess the Attorney General's Office. The AG's statement regarding a reconciliation mechanism for past abuse cases is against his mandate and function to investigate and prosecute gross violations of human rights cases before the human rights court as regulated by Law No 26 of 2000 on Human Rights Court. Similarly, the President has made no comment against the national council introduced by retired Army General Wiranto, a non judicial mechanism to reconcile past abuses and bring back assembly and consensus without clear standards of justice and human rights.

Another issue that the ALRC would like to bring to the Council's attention is the newly released US government documents on the mass killings in Indonesia in 1965-1966. Released by a US NGO, the documents constitute some 30,000 pages made up of letters, memos and daily records of the US Embassy in Jakarta from 1964-1968. The documents indicate how the Indonesian Army was behind the 1965-1966 massacre, killing up to 500,000 alleged members of the Indonesian Communist Party (PKI) and illegally detaining up to 1,000,000 alleged supporters. The ALRC believes that the documents will strengthen the reports of Komnas HAM and the International People Tribunal (IPT) group for 1965-1966, in uncovering the truth. This is particularly important given that for over 50 years, the Indonesian government has subjectively accused the members and sympathizers of the Indonesian Communist Party (PKI) of committing a *coup d'état* at the time. It is unfortunate that the government has not made any attempt to follow up this matter and probe into the released documents.

The government's silence on the 1965-66 massacre encourages anti-communist groups, who have recently increased their intimidation, attacks and forced dissolution of any form of assembly and association to seek truth and justice about this case. The main anti communist groups consist of the fundamentalist Islamic Defenders Front (FPI) and the paramilitary youth group Pemuda Pancasila. Between 16-17 September 2017, anti communist mob attacked and surrounded the Indonesian Legal Aid Foundation office, where a seminar had been organized regarding the 1965-66 massacre, attended by human rights groups, survivors, and victims of past human rights abuses. Similar incidents of forced dissolution of discussions and movie screening about 1965-1966 also occurred in other provinces of Indonesia.

Another alarming matter is the effort of former dictator Suharto's political party, Golkar Party, to promote Suharto as a national hero. This can only endanger the future of human rights and democracy in Indonesia. If Suharto is named a national hero, all allegations against him will be cancelled, and all investigations into the abuses under his authority will be discontinued.

Meanwhile, although the government has successfully established a local Truth and Reconciliation Commission (TRC) in Aceh, to address the various human rights violations committed by the military during the State of Emergency period, there has been little progress. The ALRC notes that the TRC needs genuine and concrete support from both the local government in Aceh as well as the central government in Jakarta. We urge the Human Rights Council to monitor the TRC in Aceh and ensure that its work and recommendations receive full support by the Indonesian government.

In order to ensure that Indonesia's past human rights violations are addressed, the Council must urge the Government to:

1. Publicly explain why alleged perpetrators of past human rights abuses are sitting as the current cabinet members;
2. Ensure that non-judicial mechanisms such as reconciliation or other mechanisms are not used to undermine the human right court mechanism as regulated by Law No.26 of 2000;
3. Ensure that all human rights abuses are promptly and efficiently investigated and prosecuted in line with international standards;
4. Invite and cooperate with the UN Special Rapporteur on the promotion of truth, justice, reparation, and guarantees of non-recurrence;
5. Stop any effort to promote former dictator Suharto as a national hero, and instead respect the victims of past abuses and their families, in seeking justice, truth and remedy.